

**BY AUTHORITY**

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2023

COUNCIL BILL NO. CB23-0030  
COMMITTEE OF REFERENCE:  
Land Use, Transportation & Infrastructure

**A BILL**

**For an ordinance amending the Denver Zoning Code, establishing the Sunnyside Conservation Overlay zone district and the Sunnyside Conservation and Brick Overlay zone district, and clarifying standards in the Potter Highlands Conservation Overlay zone district and the Bungalow Conservation Overlay zone district.**

**WHEREAS**, the City Council desires to amend the Denver Zoning Code to establish two new design overlay zone districts in the Sunnyside neighborhood; and

**WHEREAS**, the Sunnyside Conservation Overlay zone district (CO-7) is intended to promote the conservation of the mass, scale, and other design characteristics of residential neighborhoods within single unit and two unit zone districts in the Sunnyside neighborhood; and

**WHEREAS**, the Sunnyside Conservation and Brick Overlay zone district (CO-8) has the same intent as the CO-7, but also includes certain exterior walls to be clad with brick materials in order to promote visual compatibility of new development with the strong pattern of existing residential structures; and

**WHEREAS**, the City Council also desires to clarify standards for the Potter Highlands Conservation Overlay zone district (CO-4) and the Bungalow Conservation Overlay zone district (CO-6); and

**WHEREAS**, the City Council has determined on the basis of evidence and testimony presented at the public hearing that amending the Denver Zoning Code as set forth herein is consistent with the City’s adopted plans, furthers the public health, safety and general welfare, and will result in regulations and restrictions that are uniform within the zone district.

**NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

**Section 1.** The changes to the Denver Zoning Code as set forth in Clerk File No. 20230003 as filed with the Denver City Clerk on January 19, 2023, and available in the office and on the web page of City Council are hereby adopted and made an official part of the Denver Zoning Code. The changes establish the Sunnyside Conservation Overlay zone district (CO-7) and Sunnyside Conservation and Brick Overlay zone district (CO-8), and clarify standards for the Potter Highlands

1 Conservation Overlay zone district (CO-4) and the Bungalow Conservation Overlay zone district (CO-  
2 6).

3 **Section 2. Effective date.**

4 a. Except as otherwise provided in subsection b of this Section 2 with respect to  
5 certain pending zoning permit applications, the amendments to the Denver Zoning Code adopted by  
6 this ordinance and filed at City Clerk Filing No. 20230003 will take effect on March 13, 2023 (the  
7 “Effective Date”), and govern all applications that are pending as of the Effective Date and all  
8 applications filed on or after the Effective Date.

9 b. A zoning permit application may be approved after the Effective Date while processed  
10 under the version of the Denver Zoning Code prior to the Effective Date if the application meets the  
11 following conditions; for purposes of this Section 2, a zoning permit application includes an  
12 amendment to an approved zoning permit:

13 1. The complete zoning permit application was filed with Community Planning and  
14 Development (“CPD”) on or before October 20, 2022;

15 2. The zoning permit applicant requests processing under the version of the Denver  
16 Zoning Code prior to the Effective Date;

17 3. The zoning administrator approves the application on or before 4:30 P.M. March 12,  
18 2024; and

19 4. The zoning permit application meets all of the standards and requirements of the  
20 Denver Zoning Code in effect prior to the Effective Date; no substitutions of standards and  
21 requirements of the Denver Zoning Code after the Effective Date are allowed.

22 c. A zoning permit application that does not meet the conditions above will be processed  
23 under the Denver Zoning Code then in effect. No extensions of time will be granted.

24 **REMAINDER OF PAGE INTENTIONALLY LEFT BLANK**

1 COMMITTEE APPROVAL DATE: January 17, 2023

2 MAYOR-COUNCIL DATE: January 24, 2023

3 PASSED BY THE COUNCIL: \_\_\_\_\_

4 \_\_\_\_\_ - PRESIDENT

5 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_

6 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
7 EX-OFFICIO CLERK OF THE  
8 CITY AND COUNTY OF DENVER

9 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_; \_\_\_\_\_

10 PREPARED BY: Adam C. Hernandez, Assistant City Attorney DATE: January 26, 2023

11 Pursuant to Section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of  
12 the City Attorney. We find no irregularity as to form and have no legal objection to the proposed  
13 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to  
14 § 3.2.6 of the Charter.

15 Kerry Tipper, Denver City Attorney

16 BY: Anshul Bagga, Assistant City Attorney DATE: Jan 26, 2023